

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

THOMAS CARTER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:09cv777-TMH
)	(WO)
MONTGOMERY MUNICIPAL)	
COURT, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On September 4, 2009, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 4). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED as follows:

1. That the Recommendation be and is hereby ADOPTED.
2. That the plaintiff's complaint against defendants Knight, Hayes, the Montgomery City Jail and the Montgomery Municipal Court be and are hereby DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2)(B)(i) & (iii).
3. That the plaintiff's complaint against defendants Wicker and Nixon be and are hereby DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii).
4. That the plaintiff's challenge to the constitutionality of his current detention be and is hereby DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. §

1915(e)(2)(B)(ii) as such claim is not properly before the court at this time; and

5. That the complaint be and is hereby DISMISSED prior to service of process.

Done this the 25th day of September 2009.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE